

**Counsel Listed on Signature Page**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

ARTIFEX SOFTWARE INC., a California  
corporation,

Plaintiff,

v.

DIEBOLD INC., an Ohio corporation,  
PREMIER ELECTION SOLUTIONS, INC.,  
a Delaware corporation,

Defendants.

Case No. C 08-04837 SC EMC

**NOTICE OF SETTLEMENT AND  
JOINT REQUEST TO POSTPONE  
CASE MANAGEMENT  
CONFERENCE; [PROPOSED] ORDER**

**STIPULATION**

WHEREAS, on October 22, 2008, Artifex Software, Inc. ("Plaintiff") filed a complaint against Diebold Inc. and Premier Election Solutions, Inc. ("Defendants") and alleged violations of United States Copyright Law;

WHEREAS, the Case Management Conference in this Action is currently scheduled for April 3, 2009;

WHEREAS, Plaintiff and Defendants have agreed in principle to settle this Action and are finalizing the language of a settlement agreement that fully and finally resolves all claims, disputes, and differences in this Action;

WHEREAS, the parties estimate that they will be able to file a stipulation of dismissal within 30 days; and

WHEREAS, the parties agree that to conserve judicial resources, the Case Management Conference in this Action should not go forward on April 3, 2009.

THE PARTIES HEREBY JOINTLY REQUEST that the Court postpone the Case Management Conference in this Action to a date convenient for the Court, at least 30 days after April 3, 2009.

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Attorneys for Defendants  
DIEBOLD, INC. and PREMIER  
ELECTION SOLUTIONS, INC.

1 Filer's Attestation: Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest  
2 under penalty of perjury that concurrence in the filing of the document has been obtained from  
3 Gregory L. Lippetz.

4 Dated: March 27, 2009  
5  
6

7 By /s/Luann L. Simmons  
Luann L. Simmons

8 Attorneys for Defendants  
9 Attorneys for Plaintiff  
10 ARTIFEX SOFTWARE, INC.  
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**[PROPOSED] ORDER**

Pursuant to the parties' joint request, the Case Management Conference is hereby postponed until \_\_\_\_\_, 2009.

IT IS SO ORDERED

Dated: \_\_\_\_\_, 2009

\_\_\_\_\_  
The Honorable Samuel Conti  
United States District Court Judge

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